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Regulators sue Magcorp over waste disposal

By Maria Titze

Deseret News staff writer

Federal regulators filed a lawsuit against a Utah magnesium manufacturer Tuesday, claiming the company is ducking rules that apply to its waste management.

Magnesium Corporation of America has a Tooele processing plant that collects magnesium chloride from the water of the Great Salt Lake in its production of the strong, lightweight metal.

Byproducts of the production are disposed of near the plant as solid wastes that contain "hazardous constituents," ac-

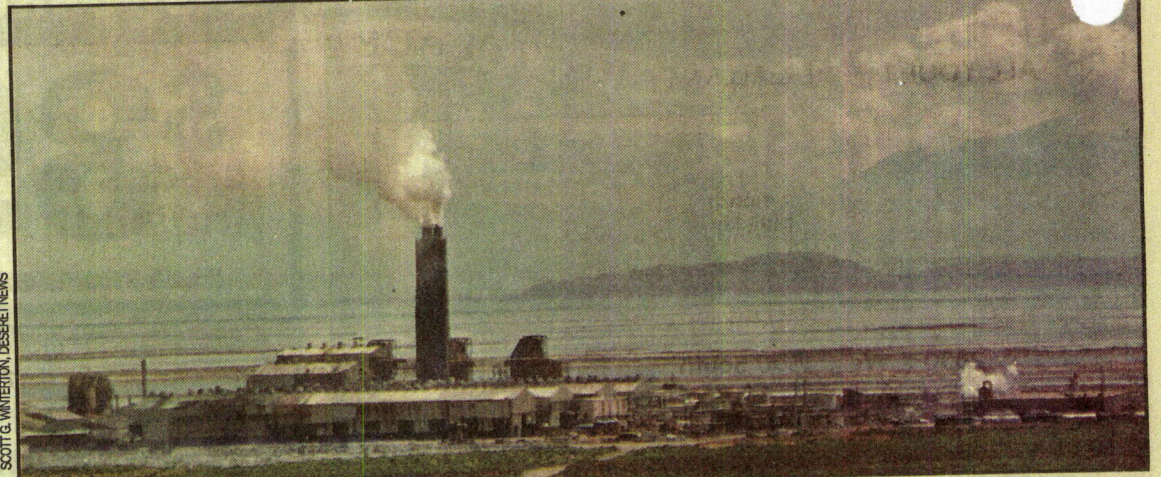
cording to the Environmental Protection Agency — chlorine, dioxin, lead, arsenic, chromium, barium and magnesium hydroxide.

Magcorp has long claimed that it is exempt from the regulations because it is considered a mining operation.

"We take a different position," Department of Justice spokeswoman Cristine Romano said.

Magcorp, the suit alleges, has released the wastes illegally for several years and will ask a federal judge to assess penalties

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Magnesium Corporation of America, which has a plant in Tooele, is the largest U.S. producer of magnesium.

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for the violations — as much as \$27,500 per violation, per day.

The suit does not say specifically how many violations Magcorp has committed.

But Magcorp officials say "wastewater from the magnesium process" is covered under an EPA exemption that has been in place for more than a decade.

"This is a dispute that's really about 8 years old," said Tom Tripp, company technical services manager. "And it's an interpretive kind of issue, since there are no health or environmental impacts that anyone is aware of."

But environmental activists, who have fought with Magcorp over its emissions for nearly a decade, were pleased to learn of the lawsuit.

"This is just the story of Magcorp. They are always the exception to every rule," said Chip Ward, a member of Citizens Against Chlorine Contamination. "They use

every loophole that they can. What the EPA has decided to do is question their interpretation of those loopholes."

Magcorp is the largest producer of magnesium in the United States and the third largest magnesium producer in the world. It produces roughly 40,000 tons per year of magnesium and magnesium alloys.

In an unrelated case filed in 1998, the federal government claims Magcorp is misrepresenting its activities to avoid making royalty payments to the federal government on the minerals it extracts from the lake.

"That lawsuit essentially asserts that this company unlawfully took minerals from the United States," Romano said. "Companies, under certain circumstances, are permitted to take (natural resources from government-owned land), but the federal government expects to be compensated."

Magcorp has claimed in the past that for more than a decade, it made its royalty payments to the state instead.

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